

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:

SHARON COLLEEN JOHNSON,

Debtor.

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Case No. 11-12738-SSM
Chapter 7

TRUSTEE'S OBJECTION TO EXEMPTIONS

Donald F. King, Trustee, by counsel, files this objection to certain exemptions claimed by Sharon Colleen Johnson (the "Debtor") and, in support thereof, states as follows:

1. The Debtor filed a voluntary chapter 7 petition on April 13, 2011.
2. Donald F. King (the "Trustee") is the duly qualified and acting chapter 7 trustee in this case.
3. Pursuant to *Va. Code* § 64.1-151.2, a surviving spouse or, if there is no surviving spouse, a minor child of a decedent can claim certain property as exempt from the claims of the creditors of the decedent. According to the Debtor's schedule C, the Debtor claims an exemption under *Va. Code* § 64.1-151.2 in a single family home located at 237 Flats Lane, Lancaster, VA 22503. The Debtor's father held a one-half (1/2) interest in this property at the time of his death in 2008 and his interest in this property is part of his estate.

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4. The Debtor is neither the surviving spouse nor the minor child of her father. In addition, any claim of exemption under *Va. Code* § 64.1-151.2 can be asserted only against the claims of creditors of a decedent and not against the claims of creditors of that surviving spouse or minor child. Accordingly the Debtor's claim of exemption under *Va. Code* § 64.1-151.2 is not properly claimed and is not authorized by law.

5. Pursuant to *Va. Code* § 34-4, an individual is permitted an exemption in the amount of \$5,000.00 for property. According to the Debtor's Schedule C filed with this Court, the Debtor claims exemptions under *Va. Code* § 34-4.

6. Pursuant to *Va. Code* § 34-17, in order to validly claim an exemption under *Va. Code* § 34-4, a homestead deed must be filed on or before the fifth day after the date on which the meeting of creditors is held. The Debtor's meeting of creditors was held on June 6, 2011. According to the results of the Trustee's search of the Fairfax County, Virginia land records, the Debtor's homestead deed was filed on June 21, 2011, a date beyond the fifth day after the Debtor's meeting of creditors.

7. The Debtor's claims of exemption under *Va. Code* § 34-4 are improper and not authorized by law.

WHEREFORE, Donald F. King, Trustee, by counsel, requests that the Court enter an order (i) disallowing the Debtor's claim of exemption under *Va. Code* § 64.1-151.2; (ii) disallowing the Debtor's claims of exemptions under *Va. Code* § 34-4; and (iii) for such other and further relief as this Court deems just and proper.

DONALD F. KING, TRUSTEE
By Counsel



/s/ James W. Reynolds

JAMES W. REYNOLDS, ESQUIRE

VSb No. 33226

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UNITED STATES BANKRUPTCY COURT
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ORDER

THIS MATTER came on upon the objection to Debtor's exemptions filed by
Donald F. King, Trustee, and

IT APPEARING that the objection should be granted; it is therefore

ORDERED that the exemptions claimed by the Debtor pursuant to *Va. Code § 34-4*
and *Va. Code § 64.1-151.2* are disallowed.

Dated: _____
Alexandria, VA

STEPHEN S. MITCHELL
United States Bankruptcy Judge

Entered on docket _____

I ask for this:

A handwritten signature in dark ink, appearing to read "J.W. Reynolds", is written over a printed name.

/s/ James W. Reynolds

James W. Reynolds, Esquire

VSB No. 33226

Counsel for Trustee

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PARTIES TO RECEIVE COPIES

Counsel for Trustee – To be served electronically
Counsel for Debtor – To be served electronically

Sharon C. Johnson
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